

A WORK SESSION WAS CALLED TO ORDER AT 7:00 P.M. BY MAYOR WEAVER FOR THE PURPOSE OF REVIEWING ITEMS ON THE MAY 21, 2011 AGENDA WITH THE CITY COUNCIL. THE WORK SESSION ADJOURNED AT 7:11 P.M.

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

MAY 21, 2012

1. **CALL TO ORDER**

The regular meeting of the City Council of the City of Darien was called to order at 7:30 P.M. by Mayor Weaver.

2. **PLEDGE OF ALLEGIANCE**

Mayor Weaver led the Council and audience in the Pledge of Allegiance.

3. **ROLL CALL** — The Roll Call of Aldermen by Deputy Clerk Dubman was as follows:

Present:	Halil Avci	Sylvia McIvor
	Tina M. Beilke	John F. Poteraske
	Joseph A. Marchese	Ted V. Schauer

Absent: Joerg Seifert

Also in Attendance: Kathleen Moesle Weaver, Mayor
Lynn Dubman, Deputy Clerk
John B. Murphey, City Attorney
Bryon D. Vana, City Administrator
Daniel Gombac, Director of Municipal Services
Ernest Brown, Police Chief

4. **DECLARATION OF A QUORUM** — There being six aldermen present, Mayor Weaver declared a quorum.

5. **APPROVAL OF MINUTES** – May 7, 2012

It was moved by Alderman Schauer and seconded by Alderman Avci to approve the minutes of the May 7, 2012 meeting, as presented.

Roll Call: Ayes: Avci, Beilke, Marchese, McIvor, Poteraske, Schauer

Nays: None

Absent: Seifert

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

6. **RECEIVING OF COMMUNICATIONS**

Alderman Marchese advised that the homeowner on 86th Street, in unincorporated Downers Grove, will no longer allow residents to cross the berm or walk on his 86th Street property. Residents have been informed the Sheriff will arrest trespassers. The resident has an airplane, and is closing access to his property due to safety and liability concerns. Alderman Marchese will send Ward Five residents a letter which clarifies the unincorporated homeowner's rights to close off his private property. Alderman Marchese thanked Director Gombac for contacting the homeowner to gain clarification of the issue.

Alderman Avci received a voice mail from Gloria Jiskra expressing gratitude to the Mayor, City Council and Administration for their efforts in implementing the Electric Aggregation Program.

Administrator Vana advised that a letter went out to all residents explaining the Electric Aggregation Program, and although a specific date to opt out was listed in the letter, residents may opt out at any time. Residents who want to take advantage of the low rates do not need to respond/reply.

7. **MAYOR'S REPORT**

A. DARIEN CHAMBER OF COMMERCE UPDATE

Clare Bongiovanni reported the following information:

- The school with the most participants in the Darien Dash, and the winner of \$1,000, was Lace School.
- Thanked the Darien Dash Committee Members, community volunteers and sponsors who contributed to the success of this year's Darien Dash. She offered special thanks to Home Depot employee Shawn Whitlock for making the 144 directional signs for the event, and to the Mayor, City Council, and the Darien Police Department for their support.
- DarienFest sponsorship opportunities are available.

- The deadline to register for 2012 Battle of the Bands has been extended to June 15; final auditions will be held at Q Billiards & Sports Bar on June 30, 2012 from 11 a.m. to 4 p.m. The winning band will perform on the main stage at DarienFest on Saturday; the winner of Darien Idol will perform on the main stage on Sunday.
- The Special Edition of the Neighbors of Darien Business Directory and Community Guide has been mailed out.
- Upcoming events are New Member Orientation on June 1, 2012 and the Multi-Chamber Luncheon featuring motivational speaker Jacob Woods on June 12, 2012.

Ms. Bongiovanni introduced featured guest Elizabeth James from Celestine Salon & Spa.

Elizabeth James advised that she has been with Celestine for three years. She spoke of the many services offered by the salon.

8. **CITY CLERK'S REPORT**

There was no report.

9. **CITY ADMINISTRATOR'S REPORT**

Administrator Vana urged residents to carefully review their property assessment notices. Appeals must be filed within 30 days of receipt of the notice. Alderman McIvor recommended that, in cases where area homes are similarly assessed, appealing as group may be necessary in order to win. Alderman Beilke suggested residents may find it beneficial to contact the Assessor's Office to speak with an appraiser prior to receiving the assessment notice.

Administrator Vana advised that the recent Direct Connect, which provided information on the Water Rate increase failed to note the \$5 administrative fixed fee.

10. **DEPARTMENT HEAD INFORMATION/QUESTIONS**

Police Chief Brown...

...advised the work load analysis has been completed.

...has begun the process of preparing a year to year crime statistic comparison.

...advised there has been an increase in heroin use and urged parents to be vigilant.

Alderman McIvor thanked Lauren Williamson for including neighboring communities in the Darien Patch crime reports.

Director Gombac spoke of the approach the City is taking in the control of the Ash Borer; he offered recommendations to residents. He advised the City’s mulch is double ground and will not cause the spread of the Ash Borer.

11. **TREASURER'S REPORT**

A. WARRANT NUMBER 11-12-24

It was moved by Alderman Schauer and seconded by Alderman Beilke to approve payment of Warrant Number 11-12-24 for FYE 2012 in the amount of \$65,740.13 from the General Fund; \$242,793.04 from the Water Fund; \$1,230.14 from the Motor Fuel Tax Fund; \$5,573.01 from the Capital Improvement Fund; for a total to be approved of \$315,336.32.

Roll Call: Ayes: Avci, Beilke, Marchese, McIvor, Poteraske, Schauer

 Nays: None

 Absent: Seifert

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

B. WARRANT NUMBER 12-13-02

It was moved by Alderman Poteraske and seconded by Alderman Schauer to approve payment of Warrant Number 12-13-02 for FYE 2013 in the amount of \$101,287.72 from the General Fund; \$2,982.79 from the Water Fund; \$1,879.52 from the Motor Fuel Tax Fund; \$27,823.93 from the Capital Improvement Fund; \$208,109.95 General Fund Payroll for the period ending 05/03/2012; \$18,822.57 from the Water Fund Payroll for the period ending 05/03/2012; for a total to be approved of \$360,906.48.

City Council Meeting

May 21, 2012

Roll Call: Ayes: Avci, Beilke, Marchese, McIvor, Poteraske, Schauer

Nays: None

Absent: Seifert

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

12. STANDING COMMITTEE REPORTS

Municipal Services Committee — Chairman Marchese advised the next meeting of the Municipal Services Committee is scheduled for Tuesday, May 29, 2012 at 6:30 p.m. in the Council Chambers.

Administrative/Finance Committee — Chairman Poteraske advised the minutes of the April 9, 2012 Administrative/Finance Committee were submitted to the Clerk’s Office.

Police Committee — Chairman McIvor advised the next Police Committee Meeting has been rescheduled to Monday, June 4, 2012 at 6:00 p.m. in the upstairs conference room.

Planning & Zoning Commission – Director Gombac announced there will be a Special Meeting of the Planning & Zoning Commission on May 23, 2012 at 7:00 p.m. to hear the Ross Dress for Less sign variation request.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

Alderman McIvor spoke in opposition to approving New Business Item B without written agreement from Wal-Mart for truck ingress and egress from the west.

Greg Crestow of Manhard Consulting reviewed the proposed delivery truck turn around at the rear of Wal-Mart. He noted that most trucks will enter and exit from the west at the traffic signal. He added that the complaints have been in regard to Home Depot. Alderman McIvor reiterated her request that truck ingress and egress from the west be put in writing. Mr. Creshow noted that there have been no issues with Wal-Mart trucks in the past, and Wal-Mart does not want this restriction to be in the ordinance.

Luis Navarro of 7528 Wilton spoke in favor of a written agreement for Wal-Mart truck ingress/egress on west side. Mr. Navarro spoke of the Home Depot impact issues residents have experienced. Attorney Murphey advised there is an ordinance in place which restricts truck activity from 10:00 p.m. to 6:00 a.m., and added that all complaints have been in regard to Home Depot. Mr. Navarro expressed displeasure with the amount of time the Planning & Zoning Commission spent discussing the size of parking spaces,

and requested the City Council exercise further due diligence before adopting the ordinance.

Ken Lechner of 7532 Wilton spoke of the impact issues resulting from the Steak & Shake drive-thru speakers. He felt there was not enough resident input in that case or with Wal-Mart, and requested this be rectified in the future.

Alderman Marchese countered there was significant resident input in the Steak & Shake case. Alderman McIvor noted that the loud speakers are an enforcement matter. Director Gombac will look into this issue.

Robert Denk of 7821 Regency Grove expressed appreciation to Director Gombac for always being helpful. Mr. Denk suggested the parking stall ordinance be amended to reduce the 10-foot requirement to 9 or 9 ½ feet. He spoke in favor of a truck ingress/egress restriction being placed in the Wal-Mart ordinance.

Jim Gallagher of pb2 architecture & engineering, the architect of record, advised that executives of Wal-Mart do not want restrictions that are not placed on the other businesses in the shopping center.

Attorney Murphey noted that the noise concerns have been addressed with the relocation of the fence and buffer zone. He added that large trucks need a signalized intersection to exit. He finds it unlikely Wal-Mart will agree to restrictions that are not placed on the other stores in the center.

A brief discussion took place regarding the size of the buffer zone reduction.

14. **OLD BUSINESS**

There was no old business to come before the City Council.

15. **CONSENT AGENDA**

Mayor Weaver reviewed the items on the Consent Agenda for the benefit of the viewing audience.

It was moved by Alderman Marchese and seconded by Alderman McIvor to approve by Omnibus Vote the following items on the Consent Agenda:

A. RESOLUTION NO. R-41-12

A RESOLUTION ACCEPTING A PROPOSAL FROM CHAPMAN AND CUTLER LLP FOR BOND COUNSEL SERVICES FOR THE ADVANCE

REFUNDING OF THE G.O. WATER BONDS, SERIES 2006

- B. RESOLUTION NO. R-42-12** **A RESOLUTION APPROVING AN EXPENDITURE IN THE AMOUNT OF \$9,500.00 TO OBTAIN A BOND RATING FROM MOODY'S FOR THE ADVANCE REFUNDING OF THE G.O. WATER BONDS, SERIES 2006**

- C. ORDINANCE NO. O-20-12** **AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE CITY OF DARIEN**

- D. A MOTION TO AUTHORIZE THE CITY ADMINISTRATOR TO PURCHASE ACCOUNTING AND MANAGEMENT SOFTWARE MODULES TO EFFICIENTLY AND ACCURATELY TRACK EMPLOYEE HOURS AND BENEFITS**

Roll Call: Ayes: Avci, Beilke, Marchese, McIvor, Poteraske, Schauer

 Nays: None

 Absent: Seifert

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

16. **NEW BUSINESS**

- A. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE CITY OF DARIEN**

It was moved by Alderman Schauer and seconded by Alderman McIvor to approve:

ORDINANCE NO. O-21-12 **AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE CITY OF DARIEN**

Roll Call: Ayes: Avci, Beilke, Marchese, McIvor, Poteraske, Schauer

 Nays: None

 Absent: Seifert

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

B. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE GRANTING A MAJOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT AND A FINAL PLAT OF RESUBDIVISION (PZC 2012-07: 2101-2275 75TH STREET, DARIEN TOWNE CENTRE PLANNED UNIT DEVELOPMENT (PUD))

It was moved by Alderman Schauer and seconded by Alderman Marchese to approve:

ORDINANCE NO. O-22-12

AN ORDINANCE GRANTING A MAJOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT AND A FINAL PLAT OF RESUBDIVISION (PZC 2012-07: 2101-2275 75TH STREET, DARIEN TOWNE CENTRE PLANNED UNIT DEVELOPMENT (PUD))

Roll Call: Ayes: Avci, Beilke, Marchese, Poteraske, Schauer

 Nays: McIvor

 Absent: Seifert

Results: Ayes 5, Nays 1, Absent 1

MOTION DULY CARRIED

C. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION APPROVING AN INTERPRETATIONAL LETTER OF AGREEMENT

It was moved by Alderman Schauer and seconded by Alderman Marchese to approve:

RESOLUTION NO. R-43-12

A RESOLUTION APPROVING AN INTERPRETATIONAL LETTER OF AGREEMENT

Attorney Murphey provided a brief explanation of the resolution.

Roll Call: Ayes: Avci, Beilke, Marchese, McIvor, Poteraske, Schauer

Nays: None

Absent: Seifert

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

17. **QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL**

Alderman Marchese advised that Darien residents: Hunter Dapkus, Lane Paulson and Jode Comes saw a fire at a residence on Woodcreek Place last Friday. They called 911 and alerted the residents of the fire. Alderman Marchese commended the girls for taking action. Alderman Poteraske recommended the young ladies be invited to a City Council Meeting to be recognized.

Alderman Avci advised that residents have been complaining of the speeding of Trib Local delivery trucks and their careless distribution of newspapers creating a litter problem. Mayor Weaver suggested staff contact Trib Local to advise them of these concerns.

18. **EXECUTIVE SESSION**

It was moved by Alderman McIvor and seconded by Alderman Schauer to go into Executive Session for the purpose of discussing Personnel, Section 2(C)(1) of the Open Meetings Act at 9:00 P.M. No action will take place as a result of these discussions.

Roll Call: Ayes: Avci, Beilke, Marchese, McIvor, Poteraske, Schauer

Nays: None

Absent: Seifert

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

19. **ADJOURNMENT**

There being no further business to come before the City Council, it was moved by Alderman McIvor and seconded by Alderman Schauer to adjourn.

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 9:45 P.M.

Mayor

Deputy City Clerk

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All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 05-21-12.
Minutes of 05-21-12 CCM